

1 United States of America,)
 2)
 3 Plaintiff,)
 4)
 5 v.) No. CR-11-0597-DLJ
 6) CR-11-0593-DLJ
 7 Jose Romero,)
 8)
 9 Defendant.)
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No. CR-11-0597-DLJ
 CR-11-0593-DLJ

AMENDED ORDER

8 On December 6, 2011, the government filed an appeal of
 9 Magistrate Judge LLOYD's Order permitting defendant Jose Romero
 10 ("Romero") to be released pending trial pursuant to conditions
 11 he set.

12 On December 13, 2011 this Court held a *de novo* hearing on
 13 the matter. Attorney Daniel Kaleba appeared on behalf of the
 14 United States and defendant was represented by Attorney Mary
 15 Conn. Having reviewed the papers and having heard oral argument
 16 on this matter, the Court finds the following.

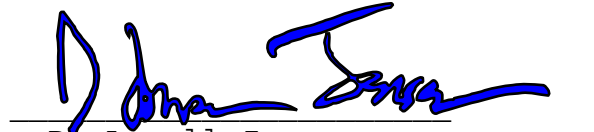
17 The Bail Reform Act requires the courts to apply the least
 18 restrictive condition or combination of conditions which will
 19 reasonably assure the appearance of the person as required and
 20 the safety of the community. 18 U.S.C. § 3142(c)(2). The
 21 Government bears the burden of showing a flight risk by a
 22 preponderance of the evidence and a danger to the community by
 23 clear and convincing evidence. *United States v. Motamendi*, 767
 24 F.2d 1403 (9th Cir. 1985). See also 18 U.S.C. § 3142(g).

25 The Court has reviewed the materials filed in this matter
 26 and finds that the conditions fashioned by Judge Lloyd, along
 27 with an additional condition that defendant post a \$50,000
 28

1 **cash** bond would be sufficient to support his release pending
2 trial while still reasonably assuring the appearance of
3 defendant as required and the safety of the community.

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6 IT IS SO ORDERED.

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8 Dated: December 19, 2011


D. Lowell Jensen
United States District Judge